IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3177 OF 2005
IN
SUIT NO.2880 OF 2005

Tata Power Co. Ltd. ..Plaintiffs

Vs.

Perumal Dhanus Murthy and Ors. ..Defendants

Mr.Sanjay Kothari a/w Mr.V.N.Vakil and Mr.D.D.Mehta and Mr.B.H.Autia i/b Mulla and Mulla for the plaintiffs

Defendant no.1 present in person

CORAM : S.U.KAMDAR, J
DATED : 26TH OCTOBER, 2005

P.C.:

1. The present suit is filed for the recovery of a flat being no.D-22, Building no.2, Quarter No.III, situated at Trombay Housing Colony, Near Aziz Baug, Mahul Road, Chembur, Mumbai 400 074. The matter was moved for an ad interim order. By consent of the parties, the said dispute pertaining to the said flat and all other connected disputes are settled between the parties. Plaintiffs have handed over to the defendants four cheques aggregating to Rs. 13,82,522/-. The plaintiffs

also undertake to this court that they will hand over duly signed cheque of Rs.2,03,499/- on or before 27.10.05. In respect of the dispute pertaining to the flat, plaintiffs have filed Criminal Complaint u.s.630 of the Companies Act, 1 of 1956 being Complaint No.3067 of 2004 before the 11th Court, Kurla, Mumbai.

2. The learned counsel for the plaintiffs undertakes to this court that the said complaint will be withdrawn within two weeks from today. The defendants on the other hand has also filed a complaint for the recovery of his dues being 27/Misc/04 before the same 11th Court, Kurla, Mumbai. The defendants also undertakes to this court that he will withdraw the said complaint within 2 weeks from today. The learned Magistrate at 11th Court, Kurla is directed to dispose of the complaint if the applications are filed by both the parties to compromise the said complaint. Defendants have handed over the keys of the said flat to the learned counsel for the plaintiffs in token of handing over vacant and peaceful possession of the premises to the plaintiffs.

Plaintiffs are directed to take possession of the said flat.In view of the aforesaid order, suit does not survive. Suit disposed of accordingly. Refund of court fee as per rules. In view of the disposal of the suit, Notice of Motion No.3177-05 has become infructuous. The same is disposed of accordingly. Both the parties confirm that they have no claim pending of any nature against each other.